

2 February 2024

Our Ref: 11584-Responses to RFI- Emu Plains

Donna Clarke
Development Assessment
Penrith City Council
601 High Street
Penrith NSW 2750
Attn: Donna Clarke – Consultant Planner

Dear Ms. Clarke,

RE: DA22/0318 – Response to RFI – Crossover to Bolwara Land

Property: 158-164 Old Bathurst Road, Emu Plains

I refer to the above development application (**DA**) seeking consent for the proposed industrial subdivision of the land at 158-164 Old Bathurst Road, Emu Plains (the **Site**). This letter responds to information requested by Penrith City Council (**Council**) on 31 January 2023 that relates to correspondence received from Transport for NSW (**TfNSW**) in support of the proposed signalisation of Old Bathurst Road and David Road intersection.

Council has requested additional information including:

- Confirmation whether the DA requires works over the Bolwara Transitional Centre's land at 1 Old Bathurst Road, Emu Plains (**Bolwara Land**), and
- The outcome of any liaison between the Applicant and the owners of Bolwara Land in relation to the signalisation of the intersection.

The Applicant has **not** proposed any works over Bolwara Land. It must be noted that the approval of the DA does not approve the design of the Traffic Control Signal (**TCS**). The TCS design is applied for and approved in accordance with the requirements of s.87(4) of the *Roads Act 1998* (**Roads Act**). There is no requirement for the DA to obtain approval either through concurrence or integrated development from TfNSW under s.87(4) of the Roads Act.

The conditions provided by TfNSW in the 30 January 2024 correspondence includes the submission and approval of the TCS design prior to the issue of a Subdivision Works Certificate and commencement of road works. Meaning that the approved TCS design is required to accompany an application for Subdivision Works. In accordance with s.36(3) of the *Environmental Planning and Assessment Regulation 2021* (**EP&A Regulation**) a consent authority may not request additional information in relation to subdivision work if the information is required to accompany an application for a Subdivision Works Certificate. Therefore, a final TCS will be developed after the issue of the development consent.

TfNSW correspondence includes advice to inform the preparation of the TCS design. This advice includes:

“ensure that there are no vehicle crossovers are [sic] within the proposed TCS site and to remove conflict points at the future TCS Site, the existing driveway that currently provides access to the correctional services dairy farm (Ray Macdonald Drive) will need to be removed and relocated to anew driveway to the west as depicted in the future below”

The image referenced in the TfNSW correspondence has been taken from information prepared by SCT Consulting dated 19 December 2023 (see **Figure 1**) as an indicative option to support the intersection design.



Source: SCT Consulting, 2024

Figure 1. Preliminary Concept Design

We confirm that the closure of the Bolwara Land’s eastern access (identified as “Closed access” above) can be undertaken completely within the road reserve. This would include modifying the layback to an upright kerb and removal of the portion of the driveway between the new upright kerb and the property boundary.

The western access (identified as “Two-way access” above) is existing and has the same dimensions as the eastern access (see **Figure 2**). The Applicant has consulted with Bolwara about the closure of the easternmost access to facilitate the TCS. Bolwara have provided their support of this approach as shown in **Attachment A**. Despite the removal of the easternmost access, Bolwara still have several access points onto their land, including the westernmost access. The suitability of the retained western access for the operations of Bolwara (in the context of the removal of the eastern access) will need to be considered in discussions between the Developer and TfNSW in the preparation of the TCS design, which will occur post consent.

The proposal does not rely on any works to be undertaken in the Bolwara Land. The easternmost access can be closed and Bolwara will still maintain access from several points on Old Bathurst Road as well as Ray Macdonald Drive.



Source: Nearmaps accessed 2 February 2024

Figure 2 Aerial showing crossover dimensions

Should you have any questions regarding information provided in this letter or attached, do not hesitate to contact me directly on 0403 239 230.

Yours faithfully

GLN PLANNING PTY LTD

**MICHAEL HANISCH
SENIOR PLANNER**

ATTACHMENT A – BOLWARA SUPPORT FOR CLOSURE OF EASTERN ENTRANCE